



10-CV-00609-AF

The Honorable Judge James L. Robart

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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

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UNITED STATES FOR AMERICA DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON

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Curt-Allen: of the family Byron  
Plaintiff (pro se)

vs.

John Lovick and Spouse	)	NO. C10-0609JLR
Richard R. Smith and Spouse	)	Reply brief to Motion to Dismiss FRCP 12(b)(6)
Laurie Towers and Spouse	)	Complaint made against Federal and State
Barack H. Obama and Spouse	)	Executive and Judicial officers and their
Hillary R. Clinton and Spouse	)	spouses for:
Eric H. Holder Jr. and Spouse	)	
Rosa Gumataotao Rios and Spouse	)	Violation of their Oath of office, official
Arnold Swartzenneggar and Spouse	)	misconduct, Conspiracy to Deprive Plaintiff of
Debra Bowen and Spouse	)	Life, Liberty and Property. Failure to protect
Edmund G. Brown Jr. and Spouse	)	Plaintiff from Conspiracy to deprive Plaintiff of
Bill Lockyer and Spouse	)	Life, Liberty and Property and Cruel and
Defendants	)	Unusual Punishment.

1. A copy of the California Certificate of Live Birth document, **Exhibit A.**
2. My Affidavit Statement of Claim & Facts, **Exhibit B.**
3. My letter of Declaration and Claim for American officials, **Exhibit C.**
4. My letter of Declaration and Claim for California State officials, **Exhibit D.**
5. Presentments from the Marysville Municipal Court demanding to make payment of debts on a contract that is no longer valid, **Exhibit E.**
6. Sno. Co. Sheriffs Request for public records Disclosure forms and letters, **Exhibit F.**
7. Marysville Police Dept. Request for public records Disclosure form and letters, **Exhibit G.**
8. United States Postal Service Track & Confirm, **Exhibit H.**

9. *Copies of Arlington Police Department Report, Exhibit I.*
10. *Copy of Indiana & Co. 3,460,000 Stockholders, Exhibit J.*
11. *Copy of Marysville Police Department Statement Form for Assault on me, Exhibit K.*
12. *Everett Police Department Statement Form for Assault on me by Sheriffs, Exhibit L.*

### **I. My Claim Against American and State of California Officials and Spouses**

Defendants received my Declaration and Claim Letter for American and State of California Officials dated recently after March 12, 2010 (**see Exhibit C & D**) (**see Exhibit H**) (**see Exhibit B**). You will find within my Declaration and Claim Letters as stated on Page 10 that I specifically requested Defendants to fulfill three general requirements. Moreover, to prevent me from unjust punishment is according to the *8<sup>th</sup> Amend. of the u.S.A. Const.* in which I have never expected to experience in America. Moreover, to prevent me from violating *Art. I Sec.10 Para. 1 of The u.S.A. Const.* by me paying debts with Federal Reserve Notes not backed by silver or gold. Moreover, protecting my Privileges and Immunities as a Californian Citizen in all of the several States according to *Art. IV Sec. 2 of The u.S.A. Const.*. Moreover, to protect me from any Thing in the Constitution or Laws of any State that is Contrary to The *u.S.A. Const.* according to *Art. VI Sec. 2 of The u.S.A. Const.*. Moreover, to support my right to petition the Government for redress of grievances is according to the *1<sup>st</sup> Amend. of the u.S.A. Const.*. Moreover, to prevent me from unreasonable searches and seizures that I may be secured in my persons, houses, papers, and effects according to the *4<sup>th</sup> Amend. of the u.S.A. Const.*. The above violations of Constitutional Laws could have been avoided if the American and State of California Defendants would have followed through with my urgent request. If I had proper identification for the local governments, they would know not to violate their Constitutional Law handbooks against me under color of law because they would know who I am in society.

Furthermore, I recognize myself as a holder in due course of a valid State of California Certificate of Live Birth document (**see Exhibit A**). Giving me full rights as one of the owners and preferred stock shareholder in the corporate State of California and the American Corporation to have access and control to the interest of its shares and stocks. The Indiana & Co. 1937 fiscal report copy gives me evidence believing that the Corporate State of California and the American Corporation operates the same in two different accounts (**see Exhibit J**). Corporations in itself alone cannot suffer failure or reap the enjoyments of profits, because it is without soul. People (We the People) alone are the only sufferers or reapers of a corporation and are the soul of the Corporation. The Employees/Defendants of the Corporation are volunteers to serve the owners (We the People) of the Corporation by taking up an office space that was available for Oath keepers.

Furthermore, the Defendants knew that it was in their power to help protect me from all governmental officials named under *Art. VI of the u.S.A Const. Para. 3*. Therefore by the simple fact of knowing that they could have protected me, instead the Defendants have given implied consent of no protection by their silence (Blacks Law 1<sup>st</sup> ED. Page 254 CONSENT). Therefore, the Defendants have become conspirators with the State of Washington Defendants that have caused me harm and of depriving me of rights under color of law according to *U.S.C Title 18-Part 1 Chapter 13 § 241 and § 242*.

Therefore, I am claiming for relief under *42 U.S.C. § 1983* because of the violation of my right protected by the united States Constitution. Defendants acted in conspiracy with the State of Washington Defendants by implied consent of their silence.

## **II. My claim against Arlington Police Defendants**

Defendants disregard my directive of not giving them any consent or just power over me according to *Wa.S. Const. Art. 1 Sec. 1 (see Exhibit B) (see Exhibit I)*.

Defendants Robert Sullenberger and Officer M. Sargent and Spouses (“Defendants”) are the arresting Officers and primary Law breakers that created a chain of conspiracies on April 3<sup>rd</sup> 2010. I recognize Robert Sullenberger as the responsible party over the Arlington Police Department and its employees conduct and actions.

Furthermore, the Defendants violated the *4<sup>th</sup> Amend. of The u.S.A. Const.* by seizing and searching my Honda Passport, documents and my body without a warrant and probable cause (*see Exhibit I) (see Exhibit B)*. Officer M. Sargent pulled me over because of no State license plates, in which such an item is in direct violation of *Art. 1 Sec. 10 par. 1 of The u.S.A. Const.* recognizing that the State license plates grants nobility to the State, therefore there was no probable cause to even pull me over. Moreover, Officer M. Sargent asked for a State issued Drivers License in which again for such an item is a direct violation of *Art. 1 Sec. 10 Para. 1 of The u.S.A. Const.* recognizing that the State issued Drivers license grants nobility to the State, therefore this can not be probable cause for a legal search and seizure. Moreover, by forcing me to have a State issued Drivers’ License to show the Defendants, is compelling me to become a witness against myself and consenting to a statutory crime. This violates *Wa.S. Const. Art. 1 Sec. 9* and the *5<sup>th</sup> Amendment of the u.S.A. Const.*

Furthermore, Defendants violate their Oath to not uphold the *Wa.S. Const. Art. 1 Sec. 8* and *Art. IV Sec. 2 of the u.S.A Consitution* to protect me while traveling in the State of Washington with full privileges and immunities. Traveling is a privilege and right I have because I paid my fair share to travel the public highways and byways through the gasoline “tax”

contribution. Defendants have no evidence to show that I have not contributed with the rest of the people in the State of Washington to equally travel.

Furthermore, under the *5<sup>th</sup> Amend. of the u.S.A Const.*, Citizens of the u.S.A is protected under **Title 18 USC, Sec. 241 and 242** from the acts of Defendants in Conspiracy against rights and Deprivation of rights under color of law by the Defendants of Arlington Police Department seizing me and turning me over to the Marysville Police Department Defendants in order for me to be summonsed by the Marysville Municipal Courts. Marysville Police Department Defendants should have never agreed to seize me by the hand of Officer M. Sargent of the Arlington Police Department and consent to conspire in this gross misdemeanor according to **RCW 9A.80.010** Official misconduct.

Therefore, I am claiming for relief under **42 U.S.C. § 1983** because of the violation of my right protected by the united States Constitution. Defendant had no probable cause to make an emergency stop on me. Moreover, Defendants have conspired with the Marysville Police Department Defendants to partake in the violation of seizing my body according to **Title 18 USC, Sec. 241 and 242**. Moreover, all the statutes (see Exhibit I) that Defendant imposed on me violate **Wa.S. Const. Art. 1 Sec. 8** and **Art. IV Sec. 2 of The u.S.A Const.** in accords with **Art. VI Para. 2 of the u.S.A. Const.**, therefore notwithstanding.

### **III. My claim against Richard R. Smith and Spouse**

Defendants Richard R. Smith and Spouse (“Defendants”) as the Chief in charge and also to be recognize as the responsible party over the Marysville Police Department and its employees conduct and actions.

Furthermore, the Defendants disregard my directive of not giving them any consent or just power over me according to ***Wa.S. Const. Art. 1 Sec. 1 (see Exhibit B)***.

Furthermore, the Defendants violated the ***4<sup>th</sup> Amend. of The u.S.A. Const.*** by seizing my body along with my jacket, shoes and socks without a warrant and probable cause. Moreover, causing me mental and physical suffering, insomnia, worry, stress and strain in my body. They had no reason to assault me and remove my property from me (***see Exhibit B) (see Exhibit K)***.

Furthermore, Defendants failed to uphold the ***8<sup>th</sup> Amend. of the u.S.A Const. and Art. 1 Sec. 14 of the Wa.S. Const.*** for Cruel and Unusual Punishment by forcing me to the ground and assaulting me by bending my left hand wrist just to remove and withhold my jacket, socks and shoes from me (***see Exhibit B) (see Exhibit K)***.

Furthermore, under the ***5<sup>th</sup> Amend. of the u.S.A Const.***, Citizens of the u.S.A is protected under ***Title 18 USC, Sec. 241 and 242*** from the acts of Defendants in Conspiracy against rights and Deprivation of rights under color of law by seizing me by the hand of Officer M. Sargent and then turning me over to the Snohomish County Jail booking department and then later seizing me back to coerce me to be summonsed by Marysville Municipal Court Defendants Laurie Towers while exercising my Constitutional right of the ***Wa.S. Const. Art. 1 Sec. 1*** (***see Exhibit B)***.

Therefore, I am claiming for relief under ***42 U.S.C. § 1983*** because of the violation of my right protected by the united States Constitution. Defendants under color of law conspired with Officer M. Sargent and Chief of Police Robert Sullenberger and with Snohomish County Sheriffs and with the Marysville Municipal Court Defendants according to ***Title 18 USC, Sec. 241 and 242***. These statutes that Defendants conspire to impose on me are Contrary with the ***5<sup>th</sup> Amend. of The u.S.A. Const.*** in taking away my life, liberty and property. Moreover, these statutes are

Contrary with *Art. IV Sec. 2 of The u.S.A Const.* in accords with *Art. VI Para. 2 of the u.S.A. Const.*, therefore notwithstanding.

#### **IV. My Claim against John Lovick and Spouse**

Defendants John Lovick and Spouse (“Defendants”) are responsible of their deputies misconduct according to *RCW 36.28.020* in which I recognize Defendants as the soul responsible party for the misconduct of the Snohomish County Sheriffs Department and its Deputies.

Furthermore, the Defendants disregard my directive of not giving them any consent or just power over me according to *Wa.S. Const. Art. 1 Sec. 1 Political Power (see Exhibit B)*.

Furthermore, I also requested for the videos showing the sheriff deputies forcing and coercing me to consent to their booking process (**see Exhibit F**) but Patricia Pendry of Records and data Management Supervisor says over the phone that she is unable to find any videos so far showing this struggle I had with these sheriffs. I am finding it very difficult to believe that I high security building would not have videos of the booking area. I protected myself from incriminating myself and plus any printing or images of my body which is my property and Defendants had no right to them under the *4<sup>th</sup> Amend. of The u.S.A Const.* I recognized that this booking process was a method to compel me to be a witness against myself and identifying me to the California drivers’ license contract, which is the consenting instrument they need from me. I understand that this processing stands against me in violation of *Wa.S. Const. Art. 1 Sec. 9* and *5<sup>th</sup> Amend. of The u.S.A Const.*

I also requested the videos from their squad cars during the initial seizer of my body and Honda Passport but the Sheriffs office at the Everett Court House on the 4<sup>th</sup> floor denied this to

me. The lady at the front desk just gave me the run around saying that any videos they have is under the Arlington Police Department jurisdiction and the Arlington Police Department gave me the same run around back to the Sheriffs Department (**see Exhibit F**).

Furthermore, the Defendants deprived me of life, liberty and property by not upholding *Art. 1 Sec. 3 of the Wa.S. Const.* and the *5<sup>th</sup> Amend. of The u.S.A Const.* and Defendants did this by accepting and seizing me as a prisoner by the request of the Marysville Police Department Defendants and by withholding my property which are my jacket, shoes and socks in results of causing me mental and physical suffering, insomnia, worry, stress and strain in my body (**see Exhibit B**).

Furthermore under the *5<sup>th</sup> Amend. of the u.S.A. Const.*, Citizens of the u.S.A. is protected under *Title 18 USC, Sec. §241 and §242* from the acts of Defendants of Conspiracy against rights and Deprivation of rights under color of law. Defendants conspired by the transporting officer from Marysville spoke with the three sheriffs (**see Exhibit B**). And all the sheriffs that continued to compel me to consent so I can go up stairs where it's much more comfortable and warm. Also from the sheriffs that attempted to coerced and compel me to consent by physical force in which I have filed an assault report with the City of Everett but the City of Everett would not take it because they recognize it of not being an assault on me (**see Exhibit L**). Also for the sheriffs to send me back to Marysville Police Department after being their prisoner for approximately 72 hours locked up in their booking cell all under the color of law that was imposed upon me by the Arlington Police Department Defendants (**see Exhibit B**).

Furthermore, the Defendants failed to uphold *Art. 1 Sec. 14 of the Wa.S. Const.* and the *8<sup>th</sup> Amend. of the u.S.A Const.* for Cruel and Unusual Punishment by withholding my jacket, shoes and socks from me (**see Exhibit B**).



Therefore, I am claiming for relief under **42 U.S.C. § 1983** because of the violation of my right protected by the united States Const. Moreover, Defendants under color of law seized me in conspiracy by the hand of Marysville Police Department Defendants in relation with the Arlington Police Department Defendants and turning me back over to the Marysville Police Department Defendants just to coerce me to be summonsed by the Marysville Municipal Court Laurie Towers and Spouse Defendants.

### **V. My Claim against Laurie Towers and Spouse**

Defendants Laurie Towers and Spouse (“Defendants”) as the Commissioner of Marysville Municipal Court disregarded my directive of not giving them any consent or just power over me according to ***Wa.S. Const. Art. 1 Sec. 1 (see Exhibit B)***.

Furthermore, Defendants has coerced me to consent by using the Marysville Police officers and the appointed attorney for that day to compel me to come in to their court room under the California Drivers License contract. By doing this they have violated the ***Wa.S. Const. Art. 1 Sec. 9***, and ***5<sup>th</sup> Amend. of the u.S.A Const.*** for compelling me to become a witness against myself by speaking in a public hearing and forcing me to recognize myself to the California Drivers License contract which is the consenting instrument that they are needing to seize me (***see Exhibit B***).

Furthermore under the ***5<sup>th</sup> Amend. of the u.S.A Const.***, Citizens of the u.S.A. is protected under ***Title 18 USC, Sec. §241 and §242*** from the acts of Defendants of Conspiracy against rights and Deprivation of rights under color of law. Defendants acted in Conspiracy with the Defendants from the Arlington Police Dept., Marysville Police Dept. and the Snohomish County

Sheriffs Dept. in order to deprive me in the free exercise and enjoyment of any right or privilege secured to me by the *u.S.A Const. and the Wa.S. Const.* as I have stated above.

Furthermore, the Defendants require of me to pay for said citations (see **Exhibit E**) with Federal Reserve Notes that is not backed up by gold or silver according to *Art. 1 Sec. 10 of The u.S.A. Const.*.

Therefore, I am claiming for relief under *42 U.S.C. § 1983* because of the violation of my right protected by the united States Constitution. Defendants conspired with Arlington Police Dept. Defendants and Marysville Police Dept. Defendants along with the Snohomish County Sheriffs Dept. Defendants to impose or assist to impose on me a statute (see Exhibit I) that is Contrary with the *5<sup>th</sup> Amend. of The u.S.A. Const.* in taking away my life, liberty and property. Moreover, these statutes are Contrary with *Art. IV Sec. 2 of The u.S.A Const.* in accords with *Art. VI Para. 2 of the u.S.A. Const.*, therefore notwithstanding.

## **VI. Additional Violations Conspired by All Defendants**

All Washington State Defendants deprived me of the *1<sup>st</sup> Amend. of the u.S.A Const.* when I asked to speak with a judge under their Oath in private chambers off the record, denying me any chance to petition the Government for a redress of grievances. My desire was to explain to the Judge of who I am and why I was unlawfully detained. The judge also would have been given opportunity to explain the due process to me at that time in which the Defendants have failed to do so (see Exhibit B). Moreover, all Washington State Defendants violated *Art. 1 Sec. 3 of The Wa.S. Const.* and the *5<sup>th</sup> Amend. of The u.S.A. Const.* by seizing me unlawfully and holding me as a prisoner without due process and taking away my life, liberty and property.

All State of Washington Defendants are conspiring together to defend a statute that does not allow me to be confronted with the witnesses against me. The Arlington Police Department can not be a witness against me because Defendants can not prove that I have caused damage or loss to them therefore violating the *6<sup>th</sup> Amendment of The u.S.A Const.* No fictitious person or corporation can be a witness against me or accuse me of causing them damage or loss because they have no face in order for me to see them or to meet with them according to *W.S. Const. Article 1 Sec. 22*. I can not meet a corporation face to face.

I have requested for public records from all Defendants pursuant to *RCW 42.56* (see **Exhibit F**) (see **Exhibit G**)

All Washington State Defendants violated their law of *RCW 9A.80.010 Official Misconduct* by the intent to obtain a benefit and to deprive me of lawful right or privileges. The benefit that they have obtained is a continual paycheck by the state, county and city governments by coercing me to consent to a statute under color of law that violates Constitutional Law. All Defendants have intentionally refrain them selves from performing a duty imposed upon them by their oath of office according to *Wa.S. Const. Article 1 Sec. 6* and *Art. VI para. 3 of the u.S.A. Const.* This Official misconduct is a gross misdemeanor.

All Washington State Defendants deprived me of life, liberty and property by violating *Art. 1 Sec.s 3 of the Wa.S. Const.* and the *5<sup>th</sup> Amend. of The u.S.A Const.*. Defendants did this by seizing me unlawfully by the hands of the Arlington Police Defendants and holding me as a prisoner without due process because of statutes that abridges my privileges and immunities.

## **VII. Additional Clarifications**

The purpose for me to make a complaint against the Spouses as Co-Defendants is because they have great influence in the decisions of their Spouses lives. The Spouses should be

aware of the violation of their Spouses Oath of Office and for their willing perversion of *The u.S.A Const., The Ca.S. Const. and The Wa.S. Const.*. I recognize them to be accountable to upholding the written Constitution under their Spouses Oath of office as their employee handbook for justice for the We the People and to the people of their respected States. Now for allowing their Spouses to continue with the injustice and abuse of their office then they need to be equally dealt with, along with their Spouses in office according to the Law of an oath breaker according to the *14<sup>th</sup> Amend. Sec. 3 of The u.S.A Const.*. Anyone who rebels against the We the People has become Americas enemy and to all those that aid or comfort the enemies of America, unless they repent and be removed of office.

*Wa.S. Const. Art. 1 Sec.* I interpret this section as All political power rest in the people **AND** the people possess inherent power (Blacks Law 1<sup>st</sup> ED. Page 622 INHERENT POWER), meaning without it being derived from another **AND** the function of governments are separate from the people but only to protect the rights of the People **AND** are not the people **AND** can only derive any just powers but from the **CONSENT** of the governed. The governed are those who choose to be governed while in a self-governing system and they give consent to the government in order for the government to have just power over them. And by this structure of political power is meant to protect and maintain each individual rights and not as a corporate body.

Dated this 10<sup>th</sup> day of June 2010.



**Curt-Allen:** of the family **Byron**

An American Citizen

A Californian by birth

A non United States Citizen USC28, VI, 176, A, §3002, 15,

THE STATUTES AT LARGE, 15-249 as my protection

c/o 12732 52<sup>nd</sup> Drive North East

Marysville Washington 98271